

**DELAWARE CRIMINAL JUSTICE INFORMATION SYSTEM  
BOARD OF MANAGERS  
PUBLIC SESSION MEETING MINUTES  
October 25, 2018**

**OPENING AND ATTENDANCE**

The Board of Managers meeting was held at the Delaware Criminal Justice Information System located in Dover, Delaware. Ms. Bhate called the meeting to order at approximately 10:04 a.m.

Those in attendance included:

**BOM MEMBERS**

Michelle Hoffman	Family Court
Gregory Patterson	DOJ
Marian Bhate	ODS
Michelle Darling	DYRS
Lt. James Unger	NCCPD
Renee Rigby	DSP
Justin Day	DTI
Elmer Setting	AOC
Jeffrey Horvath	DE Police
	Chiefs' Council

**STAFF**

Earl McCloskey	DELJIS
Mary Hansen	DELJIS
Michael Kelly	DELJIS
Alyssa Huenke	DELJIS
Lisa Morris	DAG

**PUBLIC AND NON-VOTING PARTIES**

Isabella Kaplan  
Preston Lewis  
Peter Lenhoff  
Alex Skinner  
Stephani Ballard

**I. REVIEW AND APPROVAL OF MEETING MINUTES**

BOM Public Session Minutes – Mr. Patterson made a motion to approve the September Board of Managers public session meeting minutes. Mr. Horvath seconded the motion. All in favor, motion carried.

**II. HEARINGS**

A motion was made by Ms. Darling to enter Executive Session pursuant to 29 Delaware Code §10004 to discuss criminal files and criminal records, the disclosure of which would constitute an invasion of personal privacy, and/or to discuss documents excluded from definition of public record where such discussion may disclose the contents of such documents, including pursuant to §10002 (l)(3)(5)(6)(9) and seconded by Mr. Horvath. All in favor, motion carried.

- Case 201807025A - Ms. Rigby made a motion to take no further action in case 201807025A. The motion was seconded by Mr. Setting. Eight in favor, one opposed. Motion carried.
- Case 201807014 - Mr. Patterson made a motion to suspend access for a total of 90 days, beginning on the date of original suspension on August 17, 2018, followed by retraining, resigning of the Acceptable Use Policy, and logging activity

for a period of six months upon returning to work. Ms. Rigby seconded the motion. All in favor, motion carried.

### III. NETWORK MANAGEMENT

- Apartment Access - The discussion of DELJIS access for apartment complexes was tabled until the next Board of Managers meeting on November 29, 2018.
- Indirect Access – DAG Morris advised that she wanted to put indirect access on the agenda for the Board's consideration. When the Board discussed indirect access and included it in the DELJIS Regulations, it was intended to allow an individual to speak to someone else and give them information, or look at paperwork, without having a direct link to the system. DAG Morris advised that it has come to her attention that there are contracts that the State holds with various vendors and the Board has given indirect access by virtue of the agency working with that vendor to provide information, but the manner in which the indirect access would be provided to the vendor lacks clarity. She added that it may have been thought that the information would be communicated by phone or that the individual would be housed within the agency as a contract worker, but that is not what is happening.

DAG Morris advised that employees of the third party vendors acting under a state contract that require indirect access may be receiving the information from the state agency via email, whether it is copied and pasted or included as an attachment. She added that this involves passing information from the State network to other networks utilized by the vendors. DAG Morris stated the question she wanted to present to the Board is whether or not the third party vendors should have direct access for the purpose and term defined by their contracts, or should the Board develop procedures that can be put in the regulations that would define how information can be indirectly shared. She added that the current methods are not protected and not considered best practice.

Ms. Rigby asked what kind of vendors DAG Morris was referring to. DAG Morris advised one example involved legislation that was passed last year that requires DSCYF to follow up after a child is returned to the parent, if that child was born addicted to drugs. The vendor will be conducting those inspections, and what they are charged to do is to check the mother's criminal history, as well as anyone else in the home, to determine whether there are new drug charges and if the parent is still using. DAG Morris advised that the person going on the visits and conducting the inspections is an employee of the vendor. Ms. Rigby wanted to confirm that the employee of the vendor does not have access to CJIS directly, but is getting the information through DSCYF. DAG Morris stated that was correct, but there is currently no procedure in place to specify how the information is being communicated indirectly. Ms. Rigby mentioned that this topic came up during an FBI audit a few weeks ago and needs to be addressed. Mr. McCloskey advised that another scenario involves statisticians with indirect access. There was discussion about Egress and using same to send secured emails with provisions to prevent printing and forwarding.

Mr. Patterson and Ms. Rigby advised that they do not support the idea of providing third party vendors with direct access. Ms. Bhate advised that she sees some benefit of direct access, as there would be a clear log of who accessed specific information. Mr. Patterson advised that there have been cases recently that authorized users have been accessing information for purposes that were not considered until after the fact. He added that it would be best not to expand the realm of possibility by providing direct access. Ms. Darling asked if the provider would apply for access on their own, or some other means. DAG Morris advised it would depend on the type of access. Direct access requires the provider apply on their own, while indirect access requires the agency to apply for access on behalf of the provider.

DAG Morris suggested putting procedures in the regulations. She added that the regulations would take a little bit of time to be adopted, but can be supplemented with policies until then. DAG Morris asked Ms. Rigby if the FBI gave any indication on what the procedures of sharing indirect access information should be. Ms. Rigby advised she may be able to gather some information and share it with DAG Morris. There was discussion among the Board that regulations defining the procedures pertaining to indirect access would be preferable to providing the vendors direct access. DAG Morris agreed to prepare a draft for the Board to review during the November meeting.

#### **IV. STRATEGIC ISSUES**

- DELJIS Modernization Report – Mr. Day advised the project has been on hold since May, though there is an active initiative to refine the enterprise mainframe services strategy. Mr. Day elaborated on a few alternative and details of same relating to costs.

Mr. McCloskey asked Mr. Day about the solutions Secretary Collins mentioned a few months ago. Mr. Day advised that the solutions that were identified were accompanied by procurement limitations. He added that the modernization initiative has been placed on hold indefinitely. There was discussion about the driving factors of the initiative such as cost and staffing limitations. Mr. McCloskey asked that DTI keep the DELJIS Board informed as far as alternatives are concerned.

#### **V. COMMITTEE REPORTS**

There were no committee reports.

#### **VI. OLD BUSINESS**

- Automated Usage Statistics - Mr. McCloskey referenced Attachment B in the meeting handouts and reviewed the automated usage statistics with the attendees.
- Project Status Report – Mr. McCloskey referred to Attachment C in the meeting handouts and advised the Board that there have been no project changes since last

month. He added that DELJIS is still focusing on Lethal Violence Protective Orders and Weapon Relinquishment Orders due to statutory deadlines.

- Compliance Audit Report – Mr. McCloskey advised there were no updates regarding the Compliance Audit Report.

**VII. NEW BUSINESS**

DAG Morris advised that the discussion about DELJIS access for apartment complexes will be added to November's agenda, as well as a discussion about MOUs for school districts. She also mentioned adding a discussion regarding the basis of DELJIS inquiries.

**VIII. PUBLIC COMMENT**

There was no public comment.

**IX. ADJOURNMENT**

A motion was made by Mr. Horvath to adjourn the meeting at approximately 1:04 p.m. The motion was seconded by Mr. Setting. All in favor, motion carried.